

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: LAI, Ming-Hsiao

SERIAL NO.: 10/684,004

ART UNIT: 3654

FILED: October 14, 2003

EXAMINER: Nguyen, J.Q.

TITLE: FLOOR RACK FOR HOLDING A PAPER TOWEL ROLL AND THE LIKE

AMENDMENT "B"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of March 14, 2005, a response being due with a Request for

Continued Examination by June 14, 2005, please consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 5 - 8 have been canceled and new Claims 9 - 12 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art.

In the Office Action, Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Young patent in view of the Pitcher patent. Claims 5, 7 and 8 were also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point

out and distinctly claim the subject matter which Applicant regards as the invention. Claim 7 was also rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

As an overview to the present reply, Applicant has amended previous independent Claim 5 in the form of new independent Claim 9. New independent Claim 9 specifically recites that the support frame extends generally horizontally outwardly on one side of the support post and that the support frame has “a holding rod extending entirely between opposite ends of said support frame”. The second holder is now defined as “extending outwardly from an opposite side of the support post”. It is indicated that the second holder is positioned on the support post between the first holder and the base.

New independent Claim 11 recites that the support post has “a hollow interior”. New independent Claim 11 further recites that the support frame has “a holding rod extending entirely between opposite ends of said support frame”. The second holder is defined as “extending outwardly from an opposite side of the support post”. The term “resiliently” has been removed from independent Claim 11. It is indicated that the locating portion extends “into said hollow interior” of the support post. Applicant believes that these changes serve to distinguish the present invention from the new prior art combination.

The Young patent does describe a bathroom tissue dispenser and holder. As can be seen, there is a base, a support post and a first holder affixed to an opposite end of the support post. A support frame extends “vertically upwardly” from the support post. The roller 40 (a holding rod) extends from one arm of the support frame so as to be spaced from the other arm of the support frame. It does not appear that the holding rod 40 extends “entirely between opposite ends of the

support frame". There is a second holder in the Young patent. This second holder is in the form of upright members 60 and 62. It does not appear that these upright members are "inverted U-shaped members". The second holders are not positioned on the support posts between the first holder and the base. In fact, they extend upwardly from the base.

The Pitcher patent describes a holder for toilet tissue rolls. In Figure 5, the holder has a configuration similar to that of the second holder of the present invention.

If the Pitcher patent were combined with the Young patent, then the holder of the Pitcher patent would still extend upwardly directly from the base in place of the upright members 60 and 62 of the Young patent. Additionally, there would still be the first holder extending vertically upwardly from the end of the support post rather than "horizontally outwardly". The prior art combination would still lack the holding rod extending "entirely between opposite ends of the support frame".

Functionally, it is important to note that the present invention, as defined by independent Claim 9, offers a balanced approach to the display and dispensing of toilet tissue. In particular, since the first roll of toilet paper is located on one side of the support posts and the second roll of toilet paper is located on the opposite side of the support post, there is a balancing of weight distribution. The first roll of toilet paper is positioned in a more convenient location for dispensing. The second roll is held in an upright orientation with frictional contact between the inverted U-shaped member and the core of the toilet paper roll. As such, the toilet paper roll is prevented from inadvertent rotation and unsightly partial dispensing. The prior art combination would simply place the secondary rolls on the base so as to provide for weight distribution. As such, the relatively large base of the present invention would have to be omitted in order for the structure of the prior art

combination to be implemented. Applicant respectfully contends that the positioning of the second holder intermediate between the first holder and the base allows a weighted base to be used and proper weight distribution of the toilet paper rolls to be achieved.

Independent Claim 11 reflect the limitations of original independent Claim 7. Relative to the prior art combination, there is no showing or suggesting of the fastening arm having “a locating portion”. There is no suggestion of the locating portion extending “into said hollow interior of said support post”. There is no indication that the locating portion will contact opposite sides of the inner of the hollow interior of the support post. Additionally, for the reasons recited in connection with the independent Claim 9, the prior art combination also fails to show the remaining combination, as now claimed.

Dependent Claims 10 and 12 correspond, respectively, to original dependent Claim 6 and 8.

Applicant has corrected the minor typographical errors found in the previous claim language. Applicant has removed the term “resiliently” in view of the Examiner’s rejections.

Based upon the foregoing analysis, Applicant contends that independent Claims 9 and 11 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the rejections and

allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

6-2-05

Date


John S. Egbert
Reg. No. 30,627
Andrew W. Chu
Reg. No. 46,625
Attorney for Applicant
Egbert Law Offices
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 fax